

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES E. McCOY,)	
Plaintiff)	
)	
vs.)	Civil Action No. 07-515
)	Judge Nora Barry Fischer/
JEFFREY BEARD, Commissioner of Corrections; GERALD ROZUM, Superintendent S.C.I. Somerset; PRISON HEALTH SERVICES; DR. R. McGRAPH, Physician at S.C.I. Somerset; E. SIMKINS, Physicians Assistant at S.C.I. Somerset; Individually and in their Official capacities,)	Magistrate Judge Amy Reynolds Hay
)	
Defendants)	

ORDER

AND NOW, this 12th day of August, 2008, after the Plaintiff, James E. McCoy, filed an action in the above-captioned case, and after Defendants filed Motions to Dismiss, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the partied until July 28, 2008 to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion to dismiss filed by the DOC Defendants, Dkt. [67], is granted.

IT IS FURTHER ORDERED that the motion to dismiss by the Medical Defendants, Dkt. [70], is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules

of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

James E. McCoy
HG--2351
S.C.I. at Somerset
1600 Walters Mill Road
Somerset, PA 15510

Robert A. Willig
Office of Attorney General
564 Forbes Avenue
Manor Complex, 6th Floor
Pittsburgh, PA 15219

Alan S. Gold, Esq.
GOLD & ROBINS
The Pavilion
261 Old York Road
Suite 526
Jenkintown, PA 19046